



~~December 17, 2002 CPC~~
~~March 18, 2003 CPC~~
April 23, 2003 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0173
(AMENDED)

Pyramid Site Acquisition Services

Matoaca Magisterial District
12116 Beach Road

REQUEST: (AMENDED) Conditional Use Planned Development to permit a communications tower plus height exception in an Agricultural (A) District.

PROPOSED LAND USE:

A 199 foot communications tower and associated improvements are planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 4.

STAFF RECOMMENDATION

Recommend denial for the following reasons:

- A. This request is not in compliance with the Public Facilities Plan which suggests that communications towers should generally be located away from existing or planned areas of residential development. The request property lies in an area designated by the Southern and Western Area Plan for residential development and in an area where there is existing residential development.
- B. The request is not in compliance with the Guidelines for Zoning Approval for Communications Tower Locations which suggest that if a tower is to be located in

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the vicinity of residential areas, it should either be architecturally incorporated in the design of an existing structure, such as a church or office building; possess design features that mask the utilitarian nature of the tower; or be located as remotely as possible from existing or planned areas of development or other high visibility areas and on property that is densely wooded with mature trees. A more remote location would be appropriate.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

The property owner and applicant (the "Owner/Developer") for the referenced case, for themselves and their successors or assigns, proffer that development of the proposed telecommunications facility on the property known as Chesterfield County Tax ID 741-653-0802 with an address of 12116 Beach Road (the "Property") will be developed according to the following conditions if, and only if, the requested conditional use planned development for the proposed telecommunications tower and facility is approved by the Chesterfield County Board of Supervisors. In the event the request is denied or approved with proffers or conditions not agreed to by the Owner/Developer, the proffers shall immediately be null and void and of no further force or effect.

- (CPC) 1. The tower and associated improvements shall be generally located as depicted on the plan prepared by Draper Aden Associates known as Sprint PCS Comprehensive Site Plan, Site ID No. RI54XC020A, Bush Property, dated August 17, 2002. (P)
- (CPC) 2. There shall be no signs permitted to identify this use. (P)
- (CPC) 3. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. In conjunction with site plan submission, or prior to release of a building permit, whichever occurs first, a landscaping plan depicting this requirement shall be submitted to the Planning Department for review and approval. (P)
- (CPC) 4. The tower and equipment shall be designed and installed so as not to interfere with the Chesterfield County Communications System. At the time of site plan review, the owner/developer shall submit information as deemed necessary by the Chesterfield County Communications and Electronics staff

to determine if an engineering study should be performed to analyze the possibility of radio frequency interference with the County system, based upon tower location and height, and upon the frequencies and effective radiated power generated by tower-mounted equipment. Prior to release of a building permit the study, if required, shall be submitted to, and approved by, the Chesterfield County Communications and Electronics staff. (GS)

(CPC) 5. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)

(CPC) 6. The color and lighting system for the tower shall be as follows:

- a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
- b. The tower shall not be lighted.
- c. The tower shall be a monopole structure. (P)

(CPC) 7. Any building or mechanical equipment shall comply with Section 19-570 (b) and (c) and 19-595 of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

(CPC) 8. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

(CPC) 9. A minimum 100 foot buffer shall be maintained around the perimeter of the tower site. Except for access and utilities, which may be extended generally perpendicular through this buffer, existing healthy trees within this buffer having a minimum caliper of 2.5 inches shall be maintained. These trees shall be supplemented where necessary to minimize views of the tower and associated equipment from adjacent properties and public rights of way. Additional plantings shall consist of species of trees having an average minimum mature crown spread of greater than thirty (30) feet and a minimum caliper of 2.5 inches at the time of planting, to achieve a minimum density of one (1) tree for each 300 square feet of cleared area. In conjunction with site

plan submission, or prior to release of a building permit, whichever occurs first, a landscaping plan depicting this requirement shall be submitted to the Planning Department for review and approval. (P)

- (CPC) 10. In conjunction with the approval of this request, a forty-nine (49) foot exception to the 150 foot height limitation shall be granted. (P)

GENERAL INFORMATION

Location:

North line of Beach Road, east of Buckhorn Road. Tax ID 774-638-Part of 4761 (Sheet 24).

Existing Zoning:

A

Size: (AMENDED)

2.6 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North, South, East and West – A; Single family residential or vacant

UTILITIES

The proposed use will not necessitate a manned facility; therefore, the use of the public water and wastewater systems is not required.

ENVIRONMENTAL

If construction of the tower and associated improvements disturbs more than 2,500 square feet of land, a land disturbance permit will be required.

PUBLIC FACILITIES

Fire Service:

The proposed tower and associated equipment will have a minimal impact on fire/rescue services.

Transportation:

The proposed development (communications tower) on the property will have a minimal impact on the existing transportation network.

The request lies within a 200 acre parcel. The Thoroughfare Plan identifies a north/south major arterial, with a recommended right of way width of ninety (90) feet, extending through that 200 acre parcel. The proposed alignment of this north/south arterial will not be in conflict with the location of the proposed communications tower.

COUNTY COMMUNICATIONS

The Zoning Ordinance requires that any structure over eighty (80) feet in height be reviewed by the County's Public Safety Review Team for potential detrimental impacts the structure could have on the County's Radio Communications System microwave paths. This determination must be made prior to erection of the proposed communications tower.

A preliminary review of this tower proposal has indicated that the facility will not interfere with the County's communications system; however, if this request is approved, a condition should be imposed to ensure that the tower is designed and constructed so as not to interfere with the Chesterfield County Communications System (Proffered Condition 4). In addition, once the tower is in operation, if interference occurs, the owner/developer should be required to correct any problems. (Proffered Condition 5)

COUNTY AIRPORT

A preliminary review of this tower proposal has indicated that, given the approximate location and elevation of the proposed installation, it appears the tower will not adversely affect the Chesterfield County Airport.

LAND USE

Comprehensive Plan:

The request property lies within the boundaries of the Southern and Western Area Plan which suggests the property and surrounding area are appropriate for residential use of 1 to 5 acre lots, suited for R-88 zoning. Further, the Public Facilities Plan suggests that communications towers should be located away from existing or planned areas of residential development.

Area Development Trends:

The request property is located in an area characterized by single family residences in Crooked Creek and Quail Hollow Subdivisions and rural residential parcels along Beach and

Qualla Roads. It is anticipated that properties in the vicinity of the request site will continue to be developed for residential uses on relatively large lots, as suggested by the Plan.

Zoning History:

On December 12, 1984, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved a Conditional Use Planned Development on a one (1) acre portion of the parent parcel, just to the east of the request property (Case 84S191). Case 84S191 permitted a 400 foot communications tower for MCI Telecommunications Corp., only. There is not evidence this tower was ever erected; however, it would still be allowed under the conditions of Case 84S191 for MCI Telecommunications Corp., only.

Site Design:

The tower site is located approximately 2,000 feet off the north line of Beach Road and approximately 2,300 feet off the east line of Qualla Road. The Thoroughfare Plan identifies a north/south major arterial running through the parent parcel. While the exact location of this arterial is not known, the proposed tower could be within 1,000 feet of the road. Access to the site would be provided via a gravel drive from Beach Road. Consistent with past actions on similar facilities, should this request be approved, the base of the tower should be secured with a fence to discourage trespassing. (Proffered Condition 3)

Architectural Treatment:

Since the request property lies within an Emerging Growth Area, should this request be approved, the architectural treatment of any structures should be required to comply with those standards. (Proffered Condition 7)

Consistent with past actions on similar facilities, and to ensure that the tower does not become a maintenance problem or an eyesore, should this request be approved, the tower should be removed at such time that it ceases to be used for communications purposes. (Proffered Condition 8)

Buffers and Screening:

Since the request property is located within an area designated by the Plan for future residential development, the siting criteria suggests that specific measures should be taken to minimize the impact on future residents. Consideration should be given to the fact that the tower site is located in a wooded area, and as such, can offer adequate buffers that will mitigate the view of the tower from high visibility areas. Historically, however, in areas designated for future residential development, staff has encouraged to locate adjacent to, or near, Resource Protection Areas (RPA). The applicant has agreed to maintain a 100 foot buffer, supplemented with additional landscaping where necessary, around the perimeter of the tower site. (Proffered Condition 9)

CONCLUSIONS

The proposal fails to conform to the Public Facilities Plan and the Guidelines for Zoning Approval of Communications Tower Locations.

The request property lies within the boundaries of the Southern and Western Area Plan which suggests that the property and surrounding area are appropriate for residential development with 1 to 5 acre lots, suited for R-88 zoning. The area surrounding the property has experienced increasing amounts of residential development. It is anticipated that this development pattern will continue in accordance with the adopted Plan. The Public Facilities Plan suggests that towers be located in areas designated on the adopted Plan for general commercial, general industrial and agricultural/forestal use. Specifically, the Plan provides that towers should generally be located away from existing or planned areas of residential, recreational and similar types of development.

The Public Facilities Plan and the Guidelines for Zoning Approval of Communications Review of Tower Locations indicate that views of towers from existing or planned areas of residential development should be minimized. If located in a high visibility area, the tower should be architecturally incorporated in the design of an existing structure, such as a church or office building, or possess design features that mask the utilitarian nature of the tower. Otherwise, the tower should be located as remotely as possible from existing or planned areas of development or other high visibility areas and on property that is densely wooded with mature trees. In areas of planned residential areas, where towers are not incorporated into other structures, sites have been required to be located adjacent to a Resource Protection Area (RPA) with a minimum of a 100 foot buffer of mature trees. This locational criteria somewhat minimizes the proximity of future development at least where adjacent to the RPA. The tower site, while located an adequate distance from adjacent roads, is not proposed to be incorporated in the design of an existing structure nor is it located adjacent to an RPA. In addition, there are a number of dwellings in proximity of the tower.

Given these considerations, denial of this request is recommended. It should be noted, however, that following work sessions with industry representatives, the Planning Commission has instructed staff to draft amendments to the Siting Policy. Based upon those instructions if the amendments are approved, this proposal would comply with the revised policy.

CASE HISTORY

Planning Commission Meeting (12/17/02):

At the request of the applicant, the Commission deferred this case to March 18, 2003.

Staff (12/18/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than January 13, 2003, for consideration at the Commission's March 18, 2003, public hearing. Also, the applicant was advised that a \$140.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (2/21/03):

The applicant paid the \$140.00 deferral fee. To date, no new information has been received.

Planning Commission Meeting (3/18/03):

The applicant did not accept staff's recommendation, but did accept the Planning Commission's recommendation.

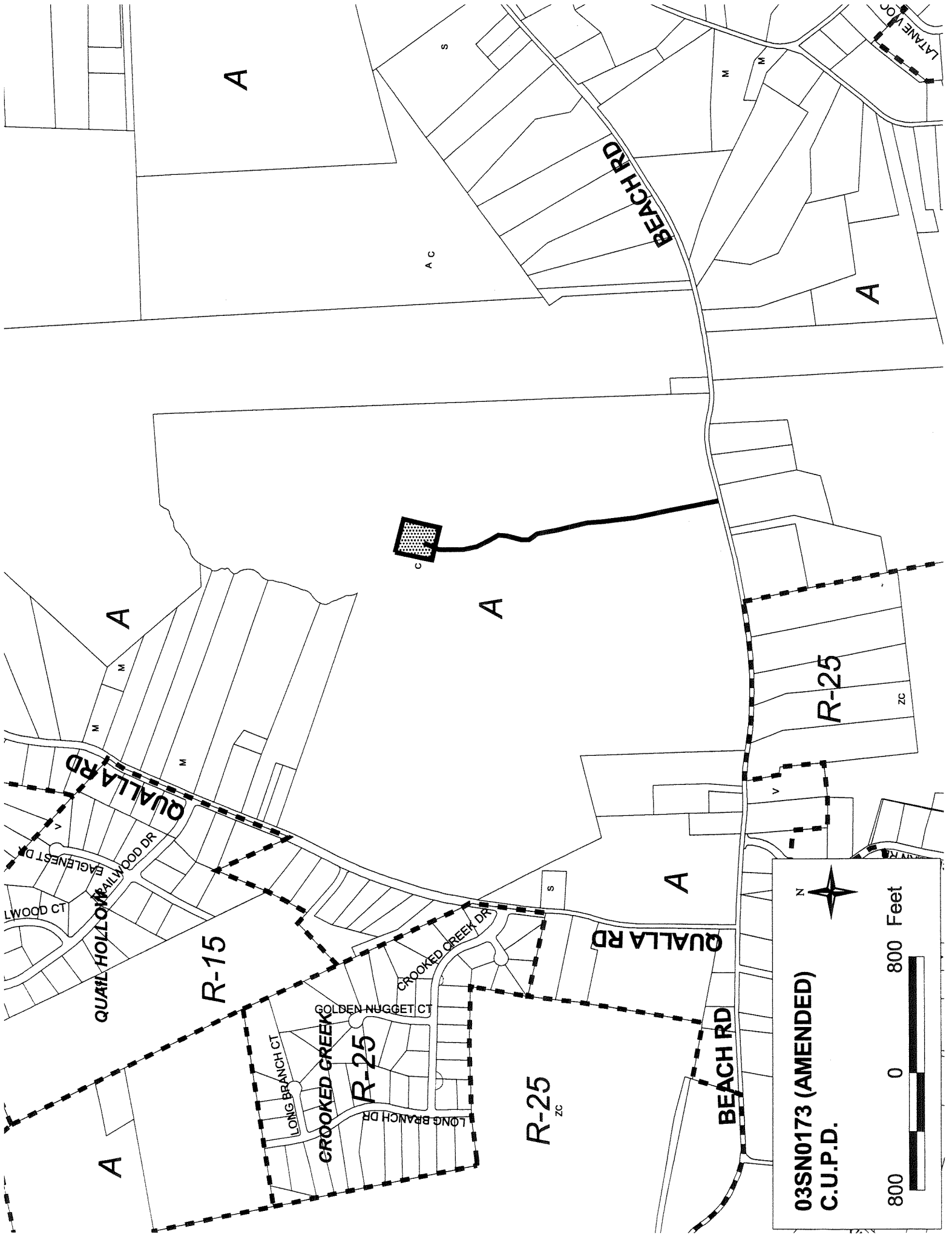
There was support present. Those in support indicated the proposal would provide a much needed service to the area, the owner has no plans to develop it residentially and that the proposed use would allow income for the owner.

Mr. Stack noted that he hears about the lack of wireless coverage in this area and this proposal should address that. He further noted that the proposal would conform to the revisions currently proposed by the Commission to the Siting Policy. The Commission acknowledged withdrawal of 197.9 acres.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission recommended approval of this request and acceptance of the proffered conditions on pages 2 through 4.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, April 23, 2003, beginning at 7:00 p.m., will take under consideration this request.



03SN0173 (AMENDED)
C.U.P.D.

800 0 800 Feet



NORTH

POSSIBLE TOWER LOCATION



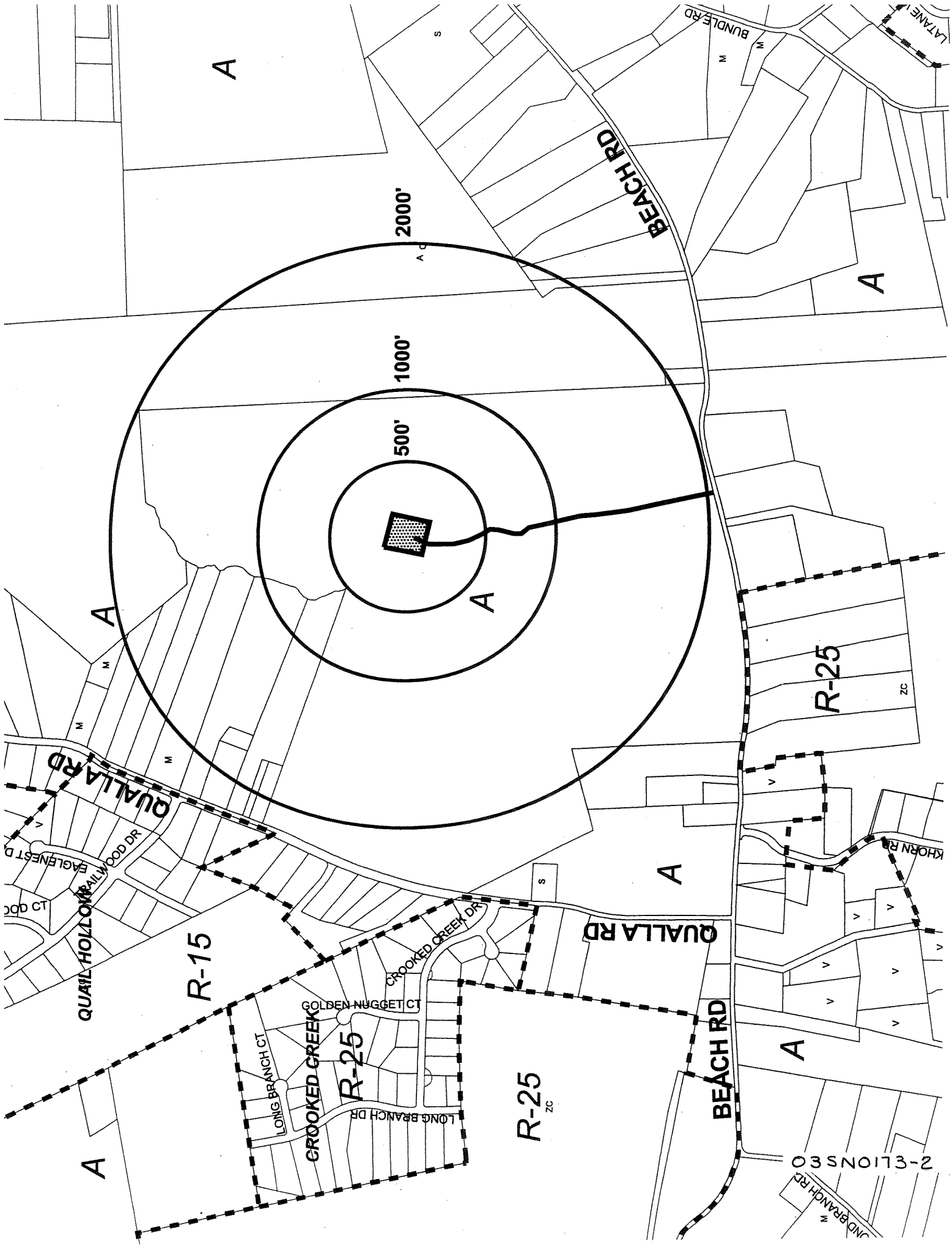
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NORTH/SOUTH ARTERIAL

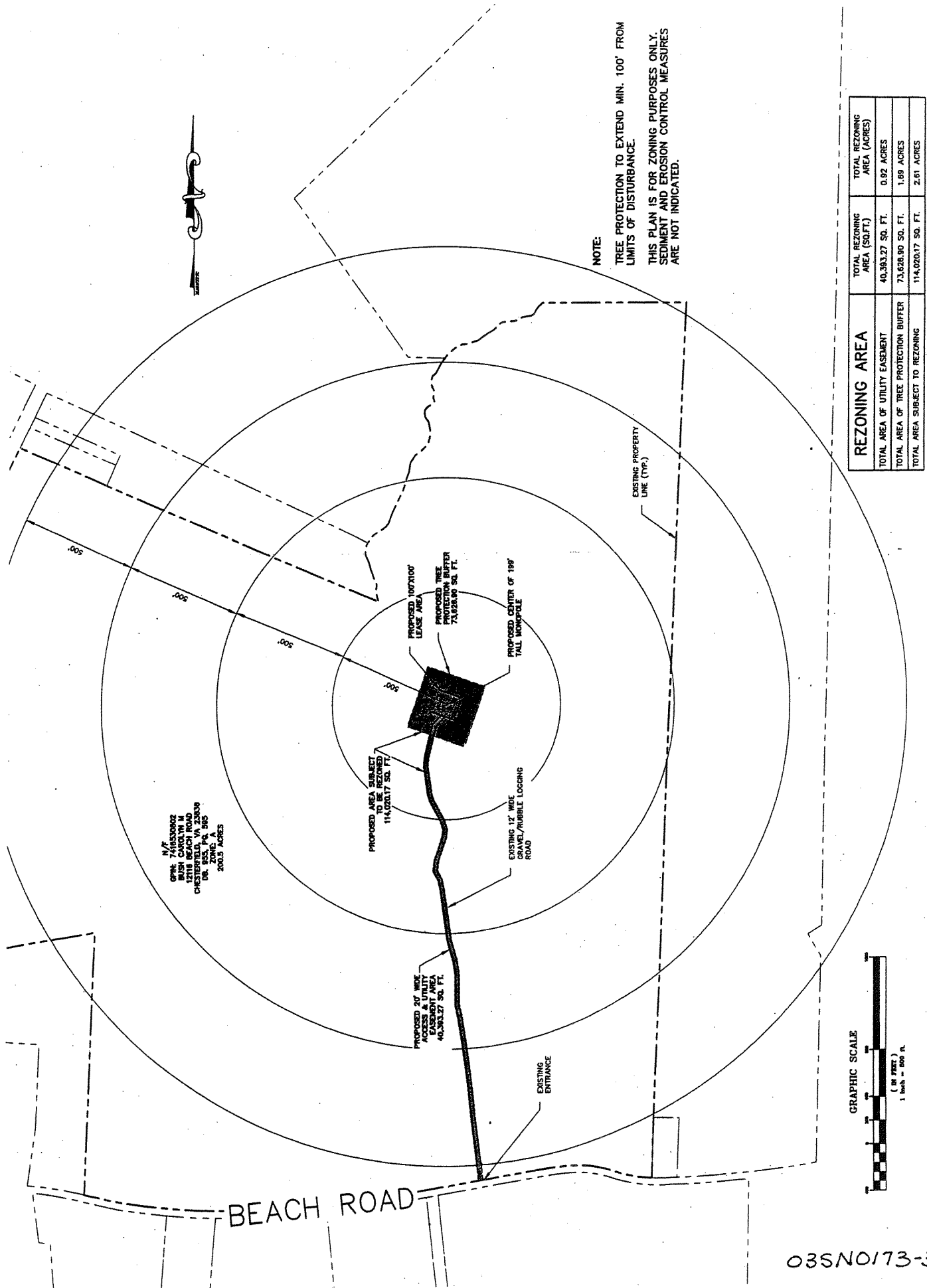
BEACH ROAD

QUALLA ROAD

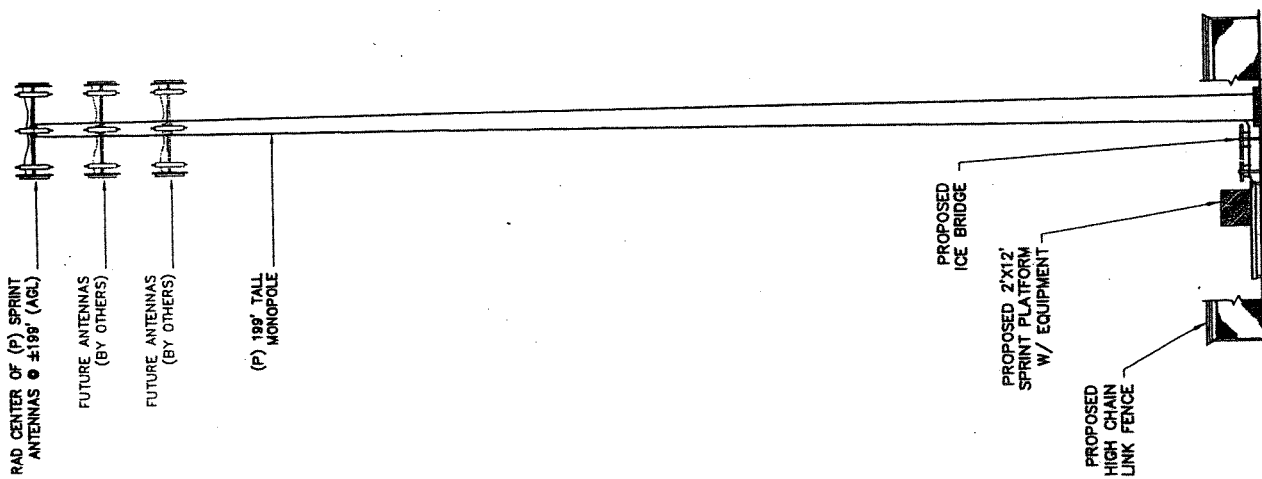
03SN0173-1



03SNO173-2



035N0173-3



2
 C2
 TOWER ELEVATION
 NOT TO SCALE

035NO173-4